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UNITED STATE DISTRICT COURT
DISTRICT OF NEVADA

YARITZA HERNANDEZ,

Plaintiff,

vs.

Case No.: 2:24-cv-725-GMN-BNW

ARIA RESORT & CASINO, LLC, a Nevada
Limited Liability Company; and Does 1
through X, inclusive, and ROE
CORPORATIONS I-X, inclusive,

Defendants.

**STIPULATED DISCOVERY
DISCOVER PLAN AND SCHEDULING
ORDER SUBMITTED IN
COMPLIANCE WITH THE COURT'S
ORDER (ECF No. 50.)**

Plaintiff YARITZA HERNANDEZ and Defendant ARIA RESORT & CASINO, LLC, by and through their respective attorneys of record, hereby submit this Stipulated Discovery Plan and Scheduling Order pursuant to Federal Rule of Civil Procedure 26(f), and Local Rule 26-1(b), AND the Court's July 9, 2025, Order. The parties agree that discovery will be needed on the Plaintiff's claims, Defendant's denials and affirmative defenses raised in the Answer.

1. Fed. R. Civ. P. 26(a) Initial Disclosures:

On August 7, 2025, counsel for Plaintiff, Victoria L. Neal, Esq., of Kemp & Kemp, and counsel for Defendant, I-Che Lai, Esq., conducted a meeting to discuss the relevant issues for discovery, possible early resolution of the matter, and other pertinent issues. Pursuant to that discussion, the parties agree that Defendant will serve its initial disclosures on or before August 21, 2025. On July 23, 2024, Plaintiff submitted her initial disclosures pursuant to the Early Neutral Evaluation Order requiring the same. (ECF No. 15.)¹

2. Discovery Cut-Off Date:

Discovery should not take more than 180 days from July 31, 2025, the date on which the Defendants Responded. The parties have discussed and made each other aware of, among other things, upcoming trials and holiday plans. Accordingly, all discovery must be complete no later than **Tuesday, January 27, 2026.**

3. Amending the Pleadings and Adding Parties:

The date for filing motions to amend the pleadings or to add parties shall not be later than ninety (90) days prior to the discovery cut-off date and, therefore, not later than **Wednesday, October 29, 2025.**

4. Fed. R. Civ. P. 26(a)(2) Disclosures (Experts):

In accordance with Rule 26(a)(2), initial disclosures identifying experts shall be made sixty (60) days prior to the discovery cut-off date, and therefore, not later than **Friday, November 28, 2025.** Disclosures identifying rebuttal experts shall be made thirty (30) days after the initial disclosure of experts and, therefore, not later than **Monday, December 29, 2025** (December 28, 2025, is a Sunday.)

5. Dispositive Motions:

The parties shall file dispositive motions not more than (30) days after the discovery cut-off date and, therefore, not later than **Thursday, February 26, 2026.**

6. Pretrial Order:

If no dispositive motions are filed, and unless otherwise ordered by this Court, the Joint Pretrial Order shall be filed not more than thirty (30) days after the date set for filing dispositive

¹ There was/is currently a stay of discovery in this matter put in place by previous counsel for both parties. (ECF No. 18.) To the extent necessary, the parties stipulate the stay should be lifted.

1 motions and, therefore, not later than **Monday, March 30, 2026** (March 28, 2025, is a Saturday.) In
2 the event a dispositive motion is filed, the date for the filing pretrial order shall be suspended until
3 thirty (30) days after the decision of the dispositive motions or further order of the Court. In the
4 further event that the discovery period is extended from the discovery cut-off date set forth in this
5 Stipulated Discovery Plan and Scheduling Order, the date for filing the joint pretrial order shall be
6 extended in accordance with the time period set forth in this paragraph.

7
8 **7. Fed. R. Civ. P. 26(a)(3) Disclosures:**

9 The disclosures required by Fed. R. Civ. P. 26(a)(3), and any objections thereto, shall be
10 included in the Joint Pretrial Order.

11 **8. Alternative Dispute Resolution:**

12 The parties certify they have met and conferred about the possibility of using alternative
13 dispute-resolution processes including mediation, arbitration and early neutral evaluation.

14 **9. Alternative Forms of Case Disposition:**

15 The parties certify they have considered consent to trial by a magistrate judge under 28 U.S.C.
16 § 636(c) and Fed.R.Civ.P.73 and the use of the Short Trial Program (General Order 2013-01) and do
17 not consent to the same at this time.

18 **10. Electronic Evidence at Trial:**

19 The parties certify they have discussed whether they intend to present evidence in electronic
20 format to jurors for the purposes of jury deliberations. Discussions between the parties will be
21 ongoing as the trial date approaches and they stipulate that they intend to present any electronic
22 evidence in a format compatible with the court's electronic jury evidence display system.

23 **11. Electronically Stored Information:**

24 The parties have undertaken efforts to retain any electronically stored information relevant to
25 this matter and have agreed that, unless the requesting party asks for a definite and specific form, the
26 party producing any electronically stored information need not provide such information in any certain
27 form as long as the form provides the other party (ies) reasonable access to the information. The
28

parties have further agreed that, to the extent any party seeks electronically stored information that would be cumulative, burdensome or unduly costly to produce, counsel for the parties will meet and confer in good faith should any dispute arise.

12. Extensions or Modifications of the Discovery Plan and Scheduling Order:

In accordance with Local Rule 26-4, a stipulation or motion for modification or extension of this discovery plan and scheduling order must be made no later than twenty (21) days before the expiration of the subject deadline.

13. Protection of Privileged/Trial Preparation Materials:

The parties prefer to handle these issues on an ad hoc basis as no consensus can be reached in advance.

14. Consideration of Fed.R.Civ.P. 16(b)(3)(B)(v):

~~Federal Rule of Civil Procedure 16(b)(3)(B) provides that, among other things, a scheduling order may “(v) direct that before moving for an order relating to discovery, the movant must request a conference with the court.” Plaintiff is seeking a stipulation to include this provision in the Discovery Plan and Scheduling Order. FRCP Rule 16(b)(3)(B)(v) is aimed at providing a mechanism for the parties and the court to quickly and inexpensively resolve any discovery disputes without the delay, expense, and burden on judicial resources that results from formal motion practice. This does NOT relieve the parties of their obligations to meet and confer amongst themselves pursuant to Fed. R. Civ. P. 37. However, nearly all discovery disputes that the parties cannot agree on can be resolved in a short telephonic conference with the court and those that cannot are the only ones that should actually result in a formal motion being litigated. Including this provision in the Scheduling Order promotes the overall goal of the Federal Rules of Civil Procedure as set forth in FRCP Rule 1 which states that the rules are to “be construed, administered, and employed by the court and the parties to secure the just, speedy, and inexpensive determination of every action and~~

proceeding.” (See also Committee Notes to 2015 Amendments to FRCP Rule 16).

15. Fed.R.Civ.P. 45 – Notice to Other Parties Before Service Of Subpoena:

Federal Rule of Civil Procedure 45(a)(4) provides “[i]f the subpoena commands the production of documents, electronically stored information, or tangible things or the inspection of premises before trial, then before it is served on the person to whom it is directed, a notice and a copy of the subpoena must be served on each party.” The parties agree to provide no less than 3 business days’ notice via email or facsimile before serving a subpoena.

Dated: August 7, 2025

Dated: August 7, 2025

/s/ Victoria L. Neal

/s/ I-Che Lai

James P. Kemp, Esq., Bar #6375
Victoria L. Neal, Esq., Bar #13382
KEMP & KEMP


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I-Che Lai, Esq., Bar # 12247
JACKSON LEWIS P.C.

Attorneys for Plaintiff
Yaritza Hernandez

Attorneys for Defendant
ARIA Resort & Casino, LLC

IT IS SO ORDERED.

Dated: August 11, 2025.


UNITED STATES MAGISTRATE JUDGE
BRENDA WEKSLER

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